

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION

APPLIES TO ALL CASES

MDL No. 2804

Case No. 1:17-md-02804

Hon. Dan Aaron Polster

**JOINT MOTION FOR ENTRY OF CONSENT ORDER TO ADDRESS PRIVILEGE
ISSUES RELATING TO CERTAIN AMERISOURCEBERGEN DOCUMENTS**

Plaintiffs in the Track 1 cases (“Plaintiffs”) and Defendant AmerisourceBergen Drug Corporation (“ABDC”) jointly move the Court to enter the proposed Order submitted herewith to resolve pending disputes regarding certain communications and documents which ABDC has identified as privileged in response to discovery requests proffered by Plaintiffs. In support of this Motion, Plaintiffs and ABDC state as follows:

1. In the course of responding to discovery requests proffered by Plaintiffs, ABDC has identified as responsive certain communications and documents relating to activities conducted by FTI Consulting, Inc. (“FTI”) on behalf of ABDC (the “FTI Documents”).
2. ABDC has designated as privileged certain categories of the FTI Documents and Plaintiffs have asserted challenges to such privilege designations.
3. Plaintiffs and ABDC have met and conferred on numerous occasions in an effort to resolve their differences regarding ABDC’s designation of the FTI Documents as privileged, and as a result of such efforts, have reached agreement on a process to resolve such differences.
4. Plaintiffs and ABDC seek to memorialize their agreement regarding resolution of which FTI Documents shall be entitled to recognition as privileged, and to have the Court accept

such agreement and adopt it as an Order of the Court in order to avoid any misunderstanding, to protect ABDC against any future claim that may be made in this or any other litigation regarding whether certain of the FTI Documents are entitled to treatment as privileged communications, and to protect Plaintiffs against any future claim that may be made in this or any other litigation regarding whether any other party's or non-party's documents involving a third-party are entitled to any privileged treatment.

WHEREFORE, Plaintiffs and ABDC respectfully request that the Court enter the proposed Order submitted herewith.

Dated: March 22, 2019

Respectfully submitted,

/s/ Anthony Irpino

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CERTIFICATE OF SERVICE

I, Robert A. Nicholas, hereby certify that the forgoing document were served via the Court's ECF system to all counsel of record.

/s/ Robert A. Nicholas
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